

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL CARMONA MARTINEZ,

Petitioner,

V.

MARITZA S. PEREZ SERRATOS,

Respondent.

Case No. 16-cv-06640-YGR

ORDER DENYING TEMPORARY RESTRAINING ORDER WITHOUT PREJUDICE

Re: Dkt. No. 2

For the reasons stated at the hearing, and based upon the record currently before the Court,
the Motion of Petitioner Daniel Carmona Martinez for a Temporary Restraining Order and
Scheduling of an Expedited Hearing under the Hague Convention is **DENIED WITHOUT
PREJUDICE**. (Dkt. No. 2.) Petitioner has not demonstrated a likelihood of success on the merits
given the showing by Respondent that the petition is untimely, that the children are well-settled,
and that they would face a grave risk of harm if returned to Mexico. Further, Petitioner has not
shown he will suffer irreparable injury in the absence of immediate equitable relief since the issue
of removal of the children is presently before the Santa Clara Superior Court in San Jose in the
pending domestic violence proceedings, and that court has concurrent jurisdiction over any Hague
Convention questions regarding removal or return of the children to Mexico for determination of
the custody issues by a Mexican court.

21 Should the state court decline to decide the Hague Convention issues before making a
22 custody determination, Petitioner may seek relief from this Court.

23 | Accordingly, the Motion is **DENIED**.

24 This terminates Docket No. 2.

IT IS SO ORDERED.

26 || Dated: November 21, 2016

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Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT